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By: **Senators Harris, Brinkley, DeGrange, Haines, Jacobs, Mooney,  
Stoltzfus, and Stone**

Introduced and read first time: February 6, 2004

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Freestanding Ambulatory Care Facilities - Licensing - Abortion Services**

3 FOR the purpose of altering the definition of "ambulatory surgical facility" as it  
4 pertains to licensing of those facilities to include abortion as a surgical service;  
5 altering the definition of "surgical services" to include the use of a certain  
6 cutting instrument or a certain instrument for the purpose of abortion; and  
7 generally relating to licensing freestanding ambulatory care facilities.

8 BY repealing and reenacting, with amendments,  
9 Article - Health - General  
10 Section 19-3B-01  
11 Annotated Code of Maryland  
12 (2000 Replacement Volume and 2003 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Health - General**

16 19-3B-01.

17 (a) In this subtitle the following words have the meanings indicated.

18 (b) "Freestanding ambulatory care facility" means:

- 19 (1) An ambulatory surgical facility;
- 20 (2) A freestanding endoscopy facility;
- 21 (3) A freestanding facility utilizing major medical equipment;
- 22 (4) A kidney dialysis center; or
- 23 (5) A freestanding birthing center.

1 (c) (1) "Ambulatory surgical facility" means any center, service, office  
2 facility, or other entity that:

3 (i) 1. Operates primarily for the purpose of providing surgical  
4 services to patients requiring a period of postoperative observation but not requiring  
5 overnight hospitalization; and

6 [(ii)] 2. Seeks reimbursement from payors as an ambulatory  
7 surgery center; OR

8 (II) PROVIDES ABORTIONS THROUGH THE USE OF SURGICAL  
9 SERVICES.

10 (2) "Ambulatory surgical facility" does not include:

11 (i) The office of one or more health care practitioners seeking only  
12 professional reimbursement for the provisions of medical services, unless:

13 1. The office operates under contract or other agreement  
14 with a payor as an ambulatory surgical facility regardless of whether it is paid a  
15 technical or facility fee; or

16 2. The office is designated to receive ambulatory surgical  
17 referrals in accordance with utilization review or other policies adopted by a payor;

18 (ii) Any facility or service owned or operated by a hospital and  
19 regulated under Subtitle 2 of this title;

20 (iii) The office of a health care practitioner with not more than one  
21 operating room if:

22 1. The office does not receive a technical or facility fee; and

23 2. The operating room is used exclusively by the health care  
24 practitioner for patients of the health care practitioner;

25 (iv) The office of a group of health care practitioners with not more  
26 than one operating room if:

27 1. The office does not receive a technical or facility fee; and

28 2. The operating room is used exclusively by members of the  
29 group practice for patients of the group practice; or

30 (v) An office owned or operated by one or more dentists licensed  
31 under the Health Occupations Article.

32 (d) (1) "Freestanding endoscopy facility" means a facility:

1 (i) For the testing, diagnosis, or treatment of a medical disorder in  
2 conjunction with the use of microscopic, endoscopic, or laparoscopic equipment that is  
3 inserted in a naturally occurring orifice of the body; and

4 (ii) That seeks reimbursement as a freestanding endoscopy facility  
5 from payors or Medicare.

6 (2) "Freestanding endoscopy facility" does not include:

7 (i) The office of one or more health care practitioners unless:

8 1. The office operates under a contract or other agreement  
9 with a payor as a freestanding endoscopy facility regardless of whether it is paid a  
10 technical or facility fee; or

11 2. The office is designated to receive endoscopic referrals in  
12 accordance with utilization review or other policies adopted by a payor; or

13 (ii) Any facility or service operated by a hospital and regulated  
14 under Subtitle 2 of this title.

15 (e) (1) "Freestanding facility operating major medical equipment" means a  
16 facility using major medical equipment.

17 (2) "Freestanding facility operating major medical equipment" does not  
18 include any facility or service owned or operated by a hospital and regulated under  
19 Subtitle 2 of this title.

20 (f) (1) "Freestanding birthing center" means a facility that provides nurse  
21 midwife services under Title 8, Subtitle 6 of the Health Occupations Article.

22 (2) "Freestanding birthing center" does not include:

23 (i) A hospital regulated under Subtitle 2 of this title; or

24 (ii) The private residence of the mother.

25 (g) "Health care practitioner" means a person who is licensed, certified, or  
26 otherwise authorized under the Health Occupations Article to provide medical  
27 services in the ordinary course of business or practice of a profession.

28 (h) (1) "Kidney dialysis center" means a facility that provides hemodialysis  
29 or chronic peritoneal dialysis.

30 (2) "Kidney dialysis center" does not include any facility or service owned  
31 or operated by a hospital and regulated under Subtitle 2 of this title.

32 (i) "Payor" means:

33 (1) A health insurer, nonprofit health service plan, or health  
34 maintenance organization that holds a certificate of authority to offer health

1 insurance policies or contracts in the State in accordance with this article or the  
2 Insurance Article;

3 (2) A third party administrator or any other entity under contract with a  
4 Maryland business to administer health benefits; or

5 (3) A self-insured group.

6 (j) "License" means a license issued by the Secretary under this subtitle.

7 (k) "Major medical equipment" means:

8 (1) Cardiac catheterization equipment;

9 (2) A computer tomography (CT) scanner;

10 (3) A lithotripter;

11 (4) Radiation therapy equipment, including a linear accelerator; or

12 (5) A magnetic resonance imager (MRI).

13 (l) "Surgical services" means any invasive procedure whether therapeutic or  
14 diagnostic involving the use of:

15 (1) Any cutting instrument, INCLUDING A UTERINE CURETTE;

16 (2) Microscopic, endoscopic, arthroscopic, or laparoscopic equipment;

17 [or]

18 (3) A laser for the removal or repair of an organ or other tissue; OR

19 (4) A MANUAL VACUUM ASPIRATOR CURETTE INTRODUCED INTO THE  
20 UTERUS FOR THE PURPOSE OF ABORTION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2004.